



General Assembly

February Session, 2012

Amendment

LCO No. 3788

HB0539503788HD0

Offered by:

REP. HENNESSY, 127th Dist.

To: Subst. House Bill No. 5395

File No. 505

Cal. No. 381

***"AN ACT CONCERNING CUSTODY ORDERS FOR DEPLOYED
MEMBERS OF THE ARMED FORCES."***

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 52-146k of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) As used in this section:

6 (1) "Battered women's center" means any office, shelter, host home
7 or center offering assistance to battered women through crisis
8 intervention, emergency shelter referral and medical and legal
9 advocacy, and which meets the Department of Social Services criteria
10 of service provision for such centers.

11 (2) "Battered women's counselor" means any person engaged in a
12 battered women's center (A) who has undergone a minimum of twenty
13 hours of training which shall include, but not be limited to, the

14 dynamics of battering, crisis intervention, communication skills,
15 working with diverse populations, an overview of the state criminal
16 justice system and information about state and community resources
17 for battered women, (B) who is certified as a counselor by the battered
18 women's center which provided such training, (C) who is under the
19 control of a direct service supervisor of a battered women's center, and
20 (D) whose primary purpose is the rendering of advice, counsel and
21 assistance to, and the advocacy of the cause of, battered women.

22 (3) "Confidential communication" means information transmitted
23 between a victim of a battering or a sexual assault and a battered
24 women's counselor or sexual assault counselor in the course of that
25 relationship and in confidence by a means which, so far as the victim is
26 aware, does not disclose the information to a third person other than
27 any person who is present to further the interests of the victim in the
28 consultation or any person to whom disclosure is reasonably necessary
29 for the transmission of the information or for the accomplishment of
30 the purposes for which such counselor is consulted, and includes all
31 information received by, and any advice, report or working paper
32 given or made by, such counselor in the course of the relationship with
33 the victim.

34 (4) "Rape crisis center" means any office, institution or center
35 offering assistance to victims of sexual assault and their families
36 through crisis intervention, medical and legal advocacy and follow-up
37 counseling and which meets the Department of Public Health criteria
38 of service provision for such centers.

39 (5) "Sexual assault counselor" means (A) any person engaged in a
40 rape crisis center who [(A)] (i) has undergone a minimum of twenty
41 hours of training which shall include, but not be limited to, the
42 dynamics of sexual assault and incest, crisis intervention,
43 communication skills, working with diverse populations, an overview
44 of the state criminal justice system, information about hospital and
45 medical systems and information about state and community
46 resources for sexual assault victims, [(B)] (ii) is certified as a counselor

47 by the sexual assault center which has provided such training, [(C)]
48 (iii) is under the control of a direct services supervisor of a rape crisis
49 center, and [(D)] (iv) whose primary purpose is the rendering of
50 advice, counseling and assistance to, and the advocacy of the cause of,
51 victims of sexual assault, or (B) any member of the armed forces of the
52 state or the United States who is trained and certified as a victim
53 advocate or a sexual assault prevention coordinator in accordance with
54 the military's sexual assault prevention and response program.

55 (6) "Victim" means any person who consults a battered women's
56 counselor or a sexual assault counselor for the purpose of securing
57 advice, counseling or assistance concerning a mental, physical or
58 emotional condition caused by a battering or a sexual assault.

59 (b) On or after October 1, 1983, a battered women's counselor or a
60 sexual assault counselor shall not disclose any confidential
61 communications made to such counselor at any time by a victim in any
62 civil or criminal case or proceeding or in any legislative or
63 administrative proceeding unless the victim making the confidential
64 communications waives the privilege, provided under no
65 circumstances shall the location of the battered women's center or rape
66 crisis center or the identity of the battered women's counselor or sexual
67 assault counselor be disclosed in any civil or criminal proceeding. Any
68 request made on or after October 1, 1983, by the defendant or the state
69 for such confidential communications shall be subject to the provisions
70 of this subsection.

71 (c) When a victim is deceased or has been adjudged incompetent by
72 a court of competent jurisdiction, the guardian of the victim or the
73 executor or administrator of the estate of the victim may waive the
74 privilege established by this section.

75 (d) A minor may knowingly waive the privilege established by this
76 section. In any instance where the minor is, in the opinion of the court,
77 incapable of knowingly waiving the privilege, the parent or guardian
78 of the minor may waive the privilege on behalf of the minor, provided

79 such parent or guardian is not the defendant and does not have a
80 relationship with the defendant such that he has an interest in the
81 outcome of the proceeding.

82 (e) The privilege established by this section shall not apply: (1) In
83 matters of proof concerning chain of custody of evidence; (2) in
84 matters of proof concerning the physical appearance of the victim at
85 the time of the injury; or (3) where the battered women's counselor or
86 sexual assault counselor has knowledge that the victim has given
87 perjured testimony and the defendant or the state has made an offer of
88 proof that perjury may have been committed.

89 (f) The failure of any party to testify as a witness pursuant to the
90 provisions of this section shall not result in an inference unfavorable to
91 the state's cause or to the cause of the defendant."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	52-146k